

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>4/22/2025</u>

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JULIE MAURY,

Plaintiff,

-v-

CONTOR ASSOCIATES, LLC et al,

Defendants.
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24-cv-06041 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On November 26, 2024, the Court entered an order referring this matter to the court-annexed Mediation Program. Dkt. No. 9. The Court directed the parties to participate in the mediation in good faith. *Id.* Plaintiff attempted to participate in the mediation process as ordered. Defendants did not. Specifically, it is undisputed that Defendants did not participate in two scheduled calls regarding the mediation in January 2025, that Defendants' counsel cancelled a mediation session scheduled for February 28, 2025, for personal reasons, and that, when the mediation office attempted to schedule a new date for the mediation, Defendants' counsel failed to provide dates on which he might be available. *See* Dkt. No. 19. On March 20, 2025, the Court received a final report of the mediator that the mediation was not held as one or both of the parties failed, refused to attend, or refused to participate in mediation. Dkt. No. 12.

On April 8, 2025, Plaintiff moved by letter motion for the imposition of sanctions on Defendants for violation of the Court's November 26, 2024 order. Dkt. No. 14. That same day, the Court ordered Defendants to show cause why sanctions should not be imposed for this failure. Dkt. No. 15. In its response to the Court's order to show cause, Defendants admit the

failure to participate in court-ordered mediation, arguing that their failure to respond was not in bad faith or deliberate. Dkt. No. 19.

Federal Rule of Civil Procedure 16(f) provides that if a party or its attorney fails to obey a scheduling or other pretrial order, the court may “issue any just orders.” Fed. R. Civ. P. 16(f)(1)(C). “Although a court may not require litigants to settle an action, it is well-established that a court may require parties to appear for a settlement conference, and that it is entirely appropriate for a court to impose sanctions pursuant to Rule 16(f) if a party fails to do so.” *Mordechai v. St. Luke's-Roosevelt Hosp. Ctr.*, 2001 WL 699062, at *2 (S.D.N.Y. June 20, 2001). “[A] showing of bad faith is not required to impose sanctions.” *Hamilton Int'l Ltd. v. Vortic LLC*, 2018 WL 5292128, at *2 (S.D.N.Y. Oct. 25, 2018). Appropriate sanctions imposed pursuant to Rule 16(f) and the court’s inherent sanctions power include a requirement to pay a fine payable to the Clerk of Court. *See Ruradan Corp. v. City of New York*, 2024 WL 1116085, at *2 (S.D.N.Y. Mar. 14, 2024).

The Court’s order was clear and unambiguous, and Defendants’ violation of the order was not substantially justified. As a result, the Court imposes a fine of \$500 on Defendants payable to the Clerk of the Court. The payment shall be made to the Clerk of the Court of the Southern District of New York two weeks from today, on May 6, 2025. Defendants may satisfy this obligation by making a payment by check, payable to the “Clerk of Court, SDNY.” Defendants also have the option to pay the fine via wire transfer. If they choose to do so, they should contact the Finance Department of the United States District Court for the Southern District of New York for further instructions. Defendants shall file proof of payment on the docket.

The Court declines to impose sanctions payable to Plaintiff as it does not appear that

Plaintiff expended any resources in attending a mediation and as it is not clear Defendants' failure to participate was in bad faith.

SO ORDERED.

Dated: April 22, 2025
New York, New York

A handwritten signature in black ink, appearing to read "L. Liman", is written above a horizontal line.

LEWIS J. LIMAN
United States District Judge